

REMARKS

The specification has been amended to correct typographical errors and to insert section headings. No new matter has been entered.

Claims 1-5, 8-24, 26, 29-30, 33, and 35 have been amended for clarification. Claims 25, 27-28, 31-32, 34, and 36 have been canceled. No new matter has been entered. Support for the proposed claim amendments may be found throughout the specification.

Upon entry of these amendments, claims 1-24, 26, 29-30, 33, and 35 will remain in the application. These claims are believed to be allowable for the reasons given below.

Claim Rejections – 35 USC §101

Claims 34-36 stand rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter in the form of a computer program product embodying functional descriptive material and computer code. Claims 34 and 36 have been canceled, thereby obviating this rejection with respect to claims 34 and 36. Claim 35 has been amended as recommended by the examiner in order to properly recite a computer readable medium claim of the type permitted in *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994). Withdrawal of the rejection of claims 34-36 as being directed to non-statutory subject matter is solicited.

Claim Rejections – 35 USC §102(b)

Claims 1-3, 8-15, 18, 25, and 29-36 stand rejected under 35 USC §102(b) as allegedly being anticipated by EP 1139684 A1 (hereafter “Cho”). Claims 25, 31, 32, 34, and 36 have been canceled, thereby obviating this rejection with respect to those claims. Independent claims 1, 29, 30, 33, and 35 have been amended to overcome this rejection.

In particular, claim 1 has been amended to recite a method of controlling usage of a portable digital device having at least one of an audio and an image data recording function. Such a method includes the steps of monitoring a geographical location of the portable digital device, comparing the geographical location of the portable digital device with a specific geographic region, and inhibiting operation of the digital device upon receipt of a first inhibiting signal transmitted by another portable digital device in the specific geographic region when the portable digital device is located in the specific geographic region. Cho does not teach inhibiting operation of a digital device upon receipt of a first inhibiting signal from another portable digital device when the portable digital device is within the specific

geographic region as claimed. Support for this embodiment may be found in paragraph [0006] of the specification, for example.

Similarly, claim 29 recites a portable digital device including means for recording at least one of audio and video and means for inhibiting operation of said recording means when said device receives an inhibiting signal transmitted by another portable digital device indicating that said portable digital device is located in a predetermined geographic region. Cho does not disclose a portable digital device that is responsive to an inhibiting signal from another portable digital device to inhibit operation of the portable digital device in a specific geographic region as now claimed.

Claim 30 recites a communication system including a security monitoring station that transmits a first inhibiting signal in a specific geographic region, at least one portable digital device having at least one of an audio recording function and an image data recording function, and another portable digital device in the specific geographic region that transmits a second inhibiting signal in said specific geographic region. In operation, when the at least one portable digital device is located in said specific geographic region, the audio or image data recording function of the at least one portable digital device is inhibited upon receipt of the first or second inhibiting signal. Claim 30 is thus believed to be allowable for at least the same reasons as amended claim 1.

Claim 33 recites a method for capturing security information relating to a portable digital device which includes an imaging function, the method comprising enabling operation of said imaging function in response to an interrogation or enabling signal from a central station and returning an image to the central station. For example, as described in the specification at paragraph [0054], this feature may allow authorities to track or recover the digital device. Such a feature is nowhere shown or suggested by Cho.

Claim 35 is directed to a computer readable medium including the features of claims 1 and 29. In particular, claim 35 recites a computer readable medium encoded with computer executable instructions for controlling a portable digital device including the function of recording at least one of audio and visual imaging data, the instructions comprising computer executable instructions for determining when said portable digital device is located in a predetermined geographic region, and computer executable instructions for inhibiting operation of said audio recording/imaging device when said device receives an inhibiting

signal transmitted by another portable digital device that is located in the predetermined geographic region. Cho does not disclose a computer readable medium that inhibits operation of the audio recording/imaging device in a specific geographic region when the device receives an inhibiting signal from another portable digital device as now claimed.

Thus, the amendments to independent claims 1, 29, 30, 33, and 35 are believed to overcome the rejection of these claims as being anticipated by Cho. Dependent claims 2-3, 8-15, and 18 are also believed to be allowable by virtue of their dependence upon amended claim 1. Withdrawal of the rejection of claims 1-3, 8-15, 18, 25, and 29-36 as being anticipated by Cho is solicited.

Claim Rejections – 35 USC §103(a)

Dependent claims 4-7, 16-17, and 19-24

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho in view of US 5,901,342 (hereafter “Heiskari”); claims 5-7 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho in view of US 2008/0051105 (hereafter “Fomukong”); claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho in view of US 6,829,429 (hereafter “Aerrabotu”); claims 17, 19, and 21-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho in view of US 2006/0281450 (hereafter “Cocita”); claims 20 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho in view of Cocita and US 2001/0018742 (hereafter “Hirai”); and claim 24 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho in view of US 6,496,703 (hereafter “da Silva”). These rejections are traversed.

Claims 4-7, 16-17, and 19-24 are believed to be allowable by virtue of their respective dependencies directly or indirectly from independent claim 1. None of the cited secondary references is believed to disclose inhibiting operation of a function of a portable digital device in a specific geographical region when the device receives an inhibiting signal from another portable digital device as now claimed in claim 1. Accordingly, even if the teachings of these documents could have been combined with the teachings of Cho by one skilled in the art as the examiner alleges, the claimed methods, device, or computer readable media would not have resulted. Withdrawal of the rejections of claims 4-7, 16-17, and 19-24 as being unpatentable as obvious is thus appropriate and is solicited.

Independent claims 26-28

Claim 26 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over Cho in view of Hirai. Claim 26 has been amended to recite a method of controlling transmission of data over a communications network, the method comprising detecting an attempted transmission of data including a source -identifying signal broadcast by a portable digital device and preventing the attempted transmission of data including the source-identifying signal when the portable digital device is located in a specific geographic region. Applicant can find no teachings in Cho or Hirai of the feature of broadcasting a source-identifying signal in a specific geographic region and preventing transmission of data including the source-identifying signal when the portable digital device is located in the specific geographic region. Cho teaches the transmission of mode signal for inhibiting transmission, while Hirai teaches transmitting a broadcast station ID with a data transmission. However, neither Cho nor Hirai teaches inhibiting transmissions by the portable digital device with the identified broadcast station ID when the portable digital device is in the claimed specified geographic region. Accordingly, even if the teachings of Cho and Hirai could have been combined by one skilled in the art as the examiner alleges, the claimed invention would not have resulted. Withdrawal of the rejection of claim 26 is solicited.

Finally, claims 27 and 28 has been canceled, thereby obviating the rejections of these claims. Withdrawal of the rejection of claims 27-28 is solicited.

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Conclusion

For at least the reasons set forth above, pending claims 1-24, 26, 29-30, 33, and 35 are believed to distinguish over the cited prior art and to be in condition for allowance. A Notice of Allowability is solicited.

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